

**ZONING BOARD OF APPEALS
781-982-2100**

**Minutes
Zoning Board of Appeals
December 12, 2013
Cotter room
7:00 p.m.**

Members Present: James Haney, Lisa Bezanson, William Mullen, John Shepard
Absent: Sean Reynolds

7:00 p.m. Motion to approve November 14, 2013 minutes made by Mrs. Bezanson, seconded by Mr. Mullen, unanimous.

October 10, 2013 minutes – motion to approve made by Mrs. Bezanson, seconded by Mr. Mullen, unanimous.

Return of excess funds for Gables project – everything balanced. Motion to return funds made by Mrs. Bezanson, seconded by Mr. Mullen, unanimous. Mrs. Bezanson made disclosure that herself, her husband and their company have done business in the past with Atty. Reilly, but have nothing to do with the Gables.

7:00 p.m. **Continued hearing, petition of Russell O. Phillips, 280 Chestnut Street, Abington, for a special permit and variance to allow an in-law apartment of approximately 1300 s.f. in the basement at 274 Chestnut Street, under Abington Zoning By-Laws Sec. 175-32-I. The property is located on Assessors Map 50 Lots 53/54, in the R40 District.** Voting members: James Haney, Lisa Bezanson, John Shepard.

Letter was submitted by Mr. Phillips requesting he be allowed to withdraw the petition without prejudice. Opened to floor, no comments.

Motion by Mrs. Bezanson to allow the petitioner to withdraw without prejudice, seconded by Mr. Shepard, unanimous.

7:05 p.m. **Petition of Cedar Village Apartments LLC, 272 Bedford Street, Abington, for: a special permit to convert existing garage with office over it into two apartments at 272 Bedford Street, under Abington Zoning By-Laws Sec. 175-21-A-4. The property is located on Assessors Plan 31, Plot 10, in the R-20 Zone.** Lisa Bezanson, William Mullen, John Shepard.

David Hynes explained he and his brother bought the property a year ago, which consists of 32 residential units. There is a garage with an office above it, a standalone building. He is asking for a change of use to convert the office and garage to residential units, which he thinks is a better fit for it than a commercial use. Sewer Department has already signed off on the building permit. A special permit would be required whether it was R-20 or Highway Commercial for multi unit dwelling.

Opened to floor. Shawn Reilly urged the Board to approve, has nothing to do with the petition. Would change it from 32 to 34 multiple units, expanding use. New owners have really cleaned up the property. Closed and brought back to the table.

Motion by Mr. Mullen to approve as presented, seconded by Mrs. Bezanson, unanimous.

7:10 p.m. **Petition of Gertrude E. Mills and Linda A. Boothby, 568 Linwood Street, Abington, for: a special permit to convert basement to in-law accessory apartment for family member at 568 Linwood Street, under Abington Zoning By-Laws Sec. 175-32(I). The property is located on Assessors Plan 28, Plot 29, in the R-40 Zone.** Voting members: James Haney, William Mullen, John Shepard. Mrs. Bezanson made the disclosure that she, her husband and their company have done business with Atty. Reilly, but have no interest in this petition.

Atty. Reilly attended representing Gertrude Mills and her daughter Linda Boothby. Mrs. Mills has owned the property for a long time. It is a single-level home with a full basement and attached garage. Linda has moved from Florida to live with her mother. The proposal is to finish the unfinished basement into an in-law or accessory apartment. Existing and proposed floor plan were submitted, and complies with the by-law. There are sufficient parking spaces. Glenn LaPointe is going to be doing the work. Mr. Shepard – it is a well maintained property. Opened to floor with no comments and brought back to table.

Motion to grant the special permit made by Mr. Mullen, seconded by Mr. Shepard, unanimous.

7:20 p.m. **Petition of Robert W. Hayes, 80 GreenGrove Lane, Hanson, for: a variance for an LED changeable sign at 500 Brockton Avenue, under Abington Zoning By-Laws Sec. 175-57, 175-59 and 175-60. The property is located on Assessors Plan 8, Plot 48, in the Highway Commercial Zone.** Voting members: James Haney, Lisa Bezanson, William Mullen.

Mr. Hayes – bought property three years ago. It was in disrepair, and work is still in progress. He replaced the old sign with electronic sign, not aware he needed a permit. Mr. Shepard – it changes every 20 seconds, which is a concern. Mr. Hayes – it can be programmed as required. Mr. Mullen – sign can't have animation and should be automatic for ambient light. Mr. Hayes – it shuts off at 8 p.m. and goes on between 6-7 a.m. They will do what they need to do. Board – driver should only see one message when going down the street. There should be no flashing, scrolling or animation. Some of the signs in town change too frequently. Mr. Hayes – there is auto dimming. Board doesn't want it to change too frequently to be a distraction. Mr. Shepard – messages were okay, but the flag was animated. Mr. Haney – change at two minute intervals would be good. Opened to the floor, no comments and brought back to the table.

Motion by Mr. Mullen to approve with the following conditions: the sign should have automatic dimming for ambient light; sign to change no more frequently than at two minute intervals; and sign being shut off at 9 p.m., seconded by Mrs. Bezanson, unanimous.

7:25 p.m. **Petition of Deralda Ferreira Sena, 566 Brockton Avenue, Abington, for: a special permit/finding to park cars in backyard through access on Ashland Street, to be stored until sold on the internet, at 566 Brockton Avenue, under Abington Zoning By-Laws Sec. 175-21-H-5/MGL Ch. 40A, Sec. 6. The property is located on Assessors Plan 8, Plot 58, in the Highway Commercial Zone.** Voting members: James Haney, Lisa Bezanson, William Mullen.

Mrs. Sena – wants to park and store cars for a friend to be sold on internet. She is not looking to open up a business, or put up signs. Her yard backs up to Ashland Street. Has entrance to backyard from Ashland Street and Brockton Avenue. There would be 20-25 cars. Board felt Mrs. Sena should be going before the Board of Selectmen for this. Mr. Mullen – it becomes an auto dealership whether 5 or 20 cars. Mr. Shepard – Ashland Street is all residential. Mr. Haney – felt this should go through the Selectmen for a license; this would be creating a used car dealership. Mrs. Sena lives in the house, coming in from Brockton Avenue. Mrs. Bezanson – she could withdraw the petition.

Opened to the floor:

Neighbor, Constitution Avenue: Abuts Best Used Auto Sales. Opposes this petition. There would be test drivers, off-loading of vehicles. It is a quiet street, a lot of children. Best Used has 45 vehicles on the lot, can't access sidewalk.

Roxanne Mihal, 24 Constitution Avenue: would be eyesore, and there are a lot of children in the area.

Neighbors, Constitution Avenue: this has caused a lot of turn-around vehicles in their driveway due to this lot. There isn't enough space. There are 13 cars parked across fence. Mrs. Sena – they are talking about the wrong property. Mrs. Sena has four cars on her property. Mr. Shepard – when he was there, there were no cars parked on her property.

Mr. Haney – doesn't feel this is correct venue for this petition. It was explained that Mrs. Sena is not looking for a license; she is looking to store them or someone selling through the internet. There would be no test driving from there. Board felt this was a grey area. Mr. Mullen brought up that you are not allowed unregistered cars on your lot. It was suggested that she go to the Selectmen's office. Mrs. Sena could withdraw the petition; if it was voted on tonight, it would be denied. Mrs. Sena requested to withdraw the petition without prejudice.

Motion by Mrs. Bezanson to allow the petitioner to withdraw without prejudice, seconded by Mr. Mullen, unanimous.

Meeting adjourned at 8:05 p.m.

Respectfully submitted,

Nancy Hurst